

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04CR142-MU**

UNITED STATES OF AMERICA                          )  
  )  
vs.    )  
  )  
**RANDY LEE HAMITT,**                              )  
  )  
Defendant.    )  
  )

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**THIS MATTER IS BEFORE THE COURT** on Defendant's Motion to Dismiss for Lack of Jurisdiction. Defendant Randy Lee Hamitt ("Hamitt") seeks to have his criminal contempt case dismissed due to the Bankruptcy Court's alleged lack of jurisdiction over the underlying matter. Even were Hamitt correct as to the jurisdictional issue, it is the Court, not the parties, who is charged with deciding the issue of jurisdiction, and a party may not arbitrarily disobey an order of the Court simply because he personally believes that jurisdiction is absent. While dismissal of the underlying action would moot an order for civil contempt, criminal contempt is an independent action, and dismissal of the underlying case has no bearing on the criminal charges. See ITT Cnty. Dev. Corp. v. Barton, 569 F.2d 1351, 1356 (4th Cir. 1978). Thus, it is unnecessary to reach Hamitt's jurisdictional argument, as it is irrelevant to his criminal case. Defendant's motion is **DENIED**, and Defendant is reminded that his presence is required at his sentencing on May 17, 2006.

**IT IS SO ORDERED.**

Signed: April 13, 2006



Graham C. Mullen  
United States District Judge

